

# **Independent Institutional Evaluation of Police Performance**

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## **1. Rationale and Need**

The rising dissatisfaction with the quality of policing in India necessitates dialogue on the establishment of independent institutional mechanisms to monitor and evaluate police performance. Just like any other public agency - and perhaps even more so because it is vested with coercive powers – the police must be able to account for the services it is expected to provide and for which large amounts of public money are allocated. Evaluation of police performance gauges whether resources and powers are properly utilised by the police to fulfil legal requirements, achieve pre-set objectives and also to suggest measures to improve future performance.

The present system of judging police performance solely on the basis of crime statistics is inadequate. Simply gauging the efficiency of the police by looking at the increase or decrease in recorded crime statistics over the previous years encourages the extremely undesirable practice of burking or refusing to record and investigate crime. Additionally, it fails to give a true picture of police performance. Increase or decrease in crime is dependent on a number of factors, some of which may be outside the control of the police. However, no matter what crime statistics reveal, it is important to evaluate both police response and reaction to crime to get a fair picture of performance.

The issue of police performance has vexed numerous committees and commissions on police reforms in India, which have recommended the setting up of independent institutions to evaluate and monitor the functioning of the police.

## **RECOMMENDATIONS OF VARIOUS COMMITTEES AND COMMISSIONS ON POLICE REFORMS IN INDIA**

### **2. The National Police Commission (NPC) 1979-81**

#### **2.1 State Security Commission**

In its Second Report the NPC called for the creation of a statutory State Security Commission in each state that would, in addition to setting policy guidelines and directions for performance of preventive and service oriented functions of the police, evaluate and keep in review police functioning. The State Security Commission would be required to submit an annual report on the performance of the police and the work done by it. It would be headed by the Minister in charge of the police who would be the ex officio chair; two members from the State Legislature – one from the ruling party and the other from the opposition; and four members nominated by the Chief Minister with the approval of the State Legislature from amongst retired judges of the High Court, retired senior government servants, social scientists or academicians of public standing and eminence.

## **2.2 Directorate of Police Inspection**

To assist the State Security Commission in its function of evaluating police performance, the NPC included in its Model Police Bill (Eighth Report), provisions for the appointment of one or more police officers as Directors of Inspection to evaluate the overall performance of the police and report to the State Security Commission. The Directors of Inspection who would be appointed in consultation with the State Security Commission would also carry out such other duties for furthering police efficiency that the Commission would direct.

## **2.3 Independent Cell to Evaluate Police Performance**

In its Eighth Report, the NPC also made a recommendation for the establishment of an independent cell to assist the State Security Commission in its task of evaluating police performance. The NPC proposed that the cell should not be part of the police department and could include experts from other disciplines to evaluate performance both in qualitative and quantitative terms.

## **3. Ribeiro Committee on Police Reforms 1998-99**

### **3.1 Police Performance and Accountability Commission**

In its First Report, the Ribeiro Committee favoured the establishment of a Police Performance and Accountability Commission (PPAC) in each state to oversee the performance of the police and to ensure its accountability to the law. The PPAC would have a mandate similar to that of the proposed State Security Commission suggested by the National Police Commission. However, its composition would differ. The PPAC would be headed by the Minister in-charge of the police and would comprise of the Leader of the Opposition; the Chief Secretary; a sitting or retired Judge nominated by the Chief Justice of the state High Court; and three non-political citizens of proven merit and integrity. The three non-political citizens would be nominated by a committee to be set up by the Chair of the National Human Rights Commission.

## **4. Padmanabhaiah Committee on Police Reforms 2000**

### **4.1 Independent Inspectorate of Police**

The Padmanabhaiah Committee on Police Reforms recommended the setting up of an Independent Inspectorate of Police on the lines of Her Majesty's Inspectorate of Constabulary (HMIC) in the United Kingdom to broadly look at deployment of personnel, deployment of resources, strategies for crime control, efficiency of investigations, degree of coordination with prosecuting agencies and effectiveness of training among other things. The HMIC advises the Home Secretary (Home Minister) on the efficiency of the police force and conducts both annual and thematic inspection of provincial police forces. It acts as a watchdog to monitor in an open and objective manner, police performance and the maintenance of policing standards. Members of

HMIC are appointed by the Queen who is the Head of State and comprise of retired heads of police forces and persons with a mix of skills and backgrounds.

## **4.2 Performance Indices**

In recommending evaluation of police performance by a dedicated Inspectorate, the Padmanabhaiah Committee stressed the necessity of developing performance indices that would reflect people's thinking about what their district police is doing and how well it is doing it. The Committee called for state wide development of indicators that would be collected by surveys of the entire district population or by a sample survey. These would be (a) feeling of public safety (b) level of crime (c) fear of crime (d) public confidence in the police (e) percentage of victims and witnesses satisfied with the overall treatment by the police in the course of a case.

## **POLICE PERFORMANCE EVALUATION IN FOREIGN JURISDICTIONS**

### **5. Northern Ireland Policing Board**

In Northern Ireland, the Policing Board which comprises 19 members<sup>1</sup> is mandated under the Police (Northern Ireland) Police Act, 2000 to secure an effective, efficient and impartial police service which has the confidence of the whole community. The Board sets objectives and targets for police performance following a consultation with the Police Chief, using these to monitor progress. It publishes an annual report of performance against these objectives. In addition, the Board monitors trends and patterns in crime and devises ways for the public to cooperate with the police to prevent crime. It also lays down standards of conduct and practice for police officers and reinforces awareness of human rights laws.

Though the Board does not deal with complaints made against police officers (which are dealt by the office of the Ombudsman), it oversees the operation of the internal police complaints and discipline system. It reviews the trends and patterns in recruitment, particularly strides made in recruiting women and persons from different religious backgrounds and ethnic minorities to the police.

### **6. The Police Standards Unit & Policing Performance Assessment Framework, England and Wales**

#### **6.1 Police Standards Unit – composition and focus areas**

In England and Wales, the Police Standards Unit forms a key part of the government's police reform agenda. The Unit, staffed by seconded police officers, other specialists and civil servants measures and compares police performance, seeks to understand the

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<sup>1</sup> Ten are members of the Northern Ireland Assembly and are nominated by it. The other nine members are appointed through an open process in which applications are advertised in local newspapers. All members are appointed by the Home Secretary (Home Minister).

underlying causes of performance variation and works with those forces in need of assistance. It also identifies and disseminates good practice. It measures the performance of 43 police forces on their ability to reduce crime, investigate crime, promote public safety, provide assistance, deliver local policing, use resources effectively and improve citizen focused policing through the Policing Performance Assessment Framework (PPAF).

## **6.2 Policing Performance Evaluation Framework (PPAF)**

The PPAF is an initiative led by the U.K Home Office, with the support of Her Majesty's Inspectorate of Constabulary (HMIC), the Association of Chief Police Officers and the Association of Police Authorities. It looks at policing in holistic terms. In addition to focusing on operational effectiveness, the PPAF provides measures of satisfaction plus overall trust and confidence in the police, as well as measures that put performance into context in terms of efficiency and organisational capability. It also demonstrates success in achieving the key priorities stipulated in National Policing Plans.

## **6.3 The Police Authorities (Best Value) Performance Indicators for 2005**

Each year, the Police Standards Unit reviews its indicators on the basis of policing plans and identifies priority areas. The Police Authorities (Best Value) Performance Indicators for 2005 are: satisfaction of victims of domestic burglary, violent crime, vehicle crime and road traffic collisions with respect to police handling of their cases; people's perception about their local police doing a good job in the British Crime Survey; satisfaction of victims of racist incidents to the service provided by the police; representation of women and minorities in the force; incidence (per 1000 population) of domestic burglaries, violent crime, robberies, vehicle crime, life threatening and gun crime; number and percentage of offences brought to justice; action taken in domestic violence incidents; statistics regarding fatalities or serious injuries in road accidents; people's perception about the fear of crime, anti-social behaviour, local drug use/selling in the British Crime Survey; percentage of officer time spent in frontline duties; delivery of internal efficiency targets; and time lost due to sickness of police officers.

## **7. The South African Performance Chart System (PCS)**

### **7.1 Performance Chart System - Objectives and Key Aims**

The objective of the PCS is to gauge and communicate the police's progress regarding targeted results at the police station level. It determines policing successes in terms of combating crime and the rendering of a quality and professional service to police customers/communities. The stated aims of the PCS are threefold: to ensure that the police are fulfilling their mission and accomplishing targeted results; to establish whether the resources (human and physical) are used effectively and efficiently; to measure police performance (successes) in respect of input, output, outcomes, effectiveness and efficiency.

## **7.2 Performance Chart System – Features**

The PCS was developed in 2003 but is still in the process of implementation. It seeks to compare not only the performance of 1200 police stations, 43 areas and 9 provinces of South Africa with each other, but also the performance of each unit of a police station, area and province with itself. The success of policing is determined monthly, quarterly, bi-annually and annually on the basis of a performance index called the EUPOLSA INDEX, which measures progress in seven areas: crime prevention; crime reaction; crime investigation; crime information; skill development and professional conduct; vehicle management; and efficiency/productivity. This is still work in progress as many police academies have called for a more inclusive framework perhaps on the lines of the U.K's Police Performance and Evaluation Framework.

Each police station's lowest, average and best performance over the past 5 years on different sub-variables such as investigations concluded and cases committed to court is identified and used as a measure to determine the direction in which the station is moving. Stations are rated according to how they have achieved in the past. A five star rating which means excellent indicates that they have exceeded their best performance. The PCS acts as a grading system (1 star to 5 star) as well as a rating system (A+ to E-) for policing by grading/rating all police stations, areas and provinces according to a specific class category (grade and rate). The aim is to encourage police leaders and members to focus on targeted results by continuously improving their activities and operations in line with the corporate strategy of the South African Police Service which focuses on maximising efficiency and providing the best service to the end user.

## **8. The Kerala Experiment to Evaluate Police Performance**

### **8.1 The Kerala Police Performance and Evaluation Commission: Background, Mandate and Composition**

India's maiden initiative to systemically evaluate police performance was the Kerala Police Performance and Accountability Commission. The Commission, set up in November 2003 through a government order (as opposed to a statute) by A.K Anthony, the then chief minister was the result of sustained demands by civil society and ordinary citizens for greater efficiency and accountability from the state police. Given a time period of a year and four months to submit its report, the Commission was vested with the mandate to: (i) evaluate the general performance of the police during the years 2002 and 2003 (ii) to examine the effectiveness of the autonomy given to the police and to comment on its merits and demerits (iii) to make recommendations on improving the functioning and accountability of the police. It was headed by Justice K.T Thomas, retired Supreme Court Judge and comprised of K.V Rajgopalan Nair, former Director General of Police, Kerala and T.N Jayachandran, former Additional Chief Secretary, Kerala and former Vice- Chancellor Calicut University.

## **8.2 The Kerala Police Performance and Evaluation Commission: Priority Areas and Process**

Ten “broad parameters” to evaluate police performance were identified by the Commission. These were: prevention of crimes; investigation of crimes and prosecution of crimes; maintenance of law and order; traffic management; police response to public grievances; police response to emergencies; police response to information on cognizable crimes; conduct of police towards public with courtesy; reputation of integrity and impartiality of individual officers and the force in general; efficiency of the police in collecting advance intelligence on potential law and order incidence including communal tension.

The Commission met and interviewed a large number of people from all walks of life, including former judges, police officers, civil servants, representatives of the Kerala Police Service Officers’ Association, Kerala Police Officers’ Association and others associated with police work, in public sittings held across the state. In addition, the Commission also called for the views of prominent women’s organisations of the state, non-governmental organisations, writers, journalists, chief editors, grass roots democracy representatives and chairs of municipalities and mayors of all the five corporations in Kerala. The Commission was wound down on the submission of its report to the state government in March 2005.

## **9. Some Reflections for Institutionalised Police Performance Evaluation in India**

Barring the Kerala experiment, there has been little movement on the ground to evaluate police performance in India. The recommendations of various police reform committees and commissions on institutionalised monitoring of police performance are yet to be implemented. Reform initiatives have been bogged down by a lack of political will based on a flawed perception that institutional arrangements to exercise oversight of the police would somehow dilute the state government’s control. This ignores the fact that even if a body to oversee and monitor police performance is established, the overall control and superintendence of the police will still rest in the hands of the state government. Only its hands will be strengthened by the aid and advice of a specialised body of experts. The quest for better policing is a harbinger of better governance, particularly for ordinary citizens who identify the quality of governance in large measure with the quality of policing in local communities. Methodical setting of policing standards, thoughtful articulation of strategies and scientific evaluation of the police’s performance against these can only lead to greater public satisfaction with the government of the day.

Another line of argument that is used to discount the value of institutional arrangements for police performance accountability is that they are expensive and unsuited to the peculiar policing environment of India. Setting up of such mechanisms in other jurisdictions has been known to enhance the efficiency of the police force which saves government money. Actually the cost benefits of better utilisation of police resources through proper planning and evaluation far exceed the costs involved in setting up and

maintaining institutional mechanisms for the same. While it is undeniable that this is as opportune a moment as any to establish institutional mechanisms to monitor and evaluate police performance in each state and union territory, it is also important to ensure that each of these institutions should be governed by a set of common principles to guarantee their effectiveness.

## **10. Principles to govern the establishment of a Police Performance Evaluation Body**

There are certain universal principles to guide the establishment of a body to evaluate police performance. These are:

### **10.1 Legal basis**

The body must be grounded in law. Substantive improvement in the nature of policing cannot come about by making performance evaluation a one-time or occasional exercise. It has to be continuous and institutionalised to achieve substantive results. It is necessary to give the board a statutory basis – either through a separate Act or by amending the Police Act - which will prevent it from being dismantled at a stated time period, or in an ad-hoc manner.

### **10.2 Independence**

The body should be sufficiently independent of government if it is to make an unbiased assessment of the state of policing. Its members should be assured of fixed tenure and the freedom to determine its core areas, method of functioning and the time for the release of its reports.

### **10.3 Inclusive Appointments Procedure and Diverse Composition**

Appointments to the body should be by a process that relies less on governmental discretion and more on merit to ensure the selection of experienced persons with high integrity for the job. The public service commission may be involved in the exercise and provisions may also be made to obtain the consent of the Opposition to the appointments. Filling of positions through open advertisement could also be considered. To allow the body the benefit of diverse experience it is important to ensure that academics, social scientists and jurists find representation alongwith experienced police officers and administrators.

### **10.4 Pervasive Mandate**

The body must have the mandate to evaluate the performance of all ranks in the police hierarchy right from the constable level to the Director General of Police. In addition, it should be able to set priorities, goals and objectives for the police department on a recurring basis. This will enable it to measure performance against set goals using objective indicators.

### **10.5 Adequate staff and resources**

To ensure effectiveness it is important that the police performance evaluation body be allocated an annual budget. The government must be required by law to provide adequate funds for the smooth performance of activities and the maintenance of staff and premises.

### **11. Conclusion**

It is high time that governments – both at the centre and in the states – pay heed to the recommendations of various committees and commissions on police reforms, particularly on the need to scientifically monitor and evaluate police performance. The importance of setting up an independent body to do the same cannot be overemphasised. While national commissions and committees do offer useful perspectives in this respect, it is equally important to look at international developments in the field. In the United Kingdom particularly, the systems prevalent in England and Wales, and in Northern Ireland offer many lessons that are useful for replication in the Indian context. The policing system in South Africa, an emerging developing society with a long history of internal conflict too, offers useful perspectives for India.

Presently there is considerable talk and movement towards replacing the Police Act of 1861. A review committee comprising of eminent jurists, reputed police officers and experienced administrators has been formulated by the union government to draft a new police Act. Establishment of a mechanism to institutionally monitor and evaluate police performance should in all logical probability be included in the draft. While it is hoped that the draft prepared by the committee will find favour with the union and state governments, the process is likely to take a considerable amount of time. In the meanwhile, it is imperative that governments turn their attention to institutionalised monitoring and evaluation of the police by legislating for a body to do the needful either by passing a separate Act or by amending the Police Act.